



**STATE OF ALABAMA**  
**SURFACE MINING COMMISSION**

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390  
(205) 221-4130 • FAX: (205) 221-5077

Permit Revision Number: R-5

**REVISION TO PERMIT FOR**  
**SURFACE COAL MINING OPERATIONS**

Pursuant to the Alabama Surface Mining Control and Reclamation Act, Act No. 81-435, and duly promulgated rules of the Commission, revision is hereby approved for permit:

P-3925-01-14-S  
SHANNON LLC  
PO BOX 621  
JASPER AL 35502  
(SHANNON MINE NO. 2)

License No.: L-813

Pursuant to the  
permit map: 1 OF 1

Certified by: STEVEN R INGLE #18213

Date: 5-13-11

The permit is revised as follows:

1. Add 25.0 mining and spoiling acres to Increment #2.
2. Add 18.0 mining and spoiling acres to Increment #3.
3. Add 63.0 mining and spoiling acres to Increment #4.
4. Add 20.0 mining and spoiling acres to Increment #5, 17.0 acres mining and spoiling area and 3.0 acres Basin 044A.
5. Add 2.0 incidental acres to Increment #6 (Borrow Area).
6. Add 1.0 incidental acre to Increment #6 (Blast Storage Area).
7. Update the Drainage Control Plan through the addition of Basin 044A.
8. Update the Operations Plan with regard to the cut alignment and sequence.
9. Update the Hydrologic Monitoring Plan.
10. Extend the Topsoil Variance to cover the newly added area.
11. Disturb within the 100' setback of Blue Creek Road.

**CONDITION R-5-1:** The permittee shall notify the ASMC and seek consultation with the U.S. Fish and wildlife Service if:

- a. The permit is modified in any way that causes an effect on species or Critical Habitat listed under the Endangered Species Act of 1973.
- b. New information reveals the operation may affect Federally protected species or designated Critical Habitat in a manner or extent not previously considered, or
- c. A new species is listed or Critical Habitat is designated under the Endangered Species Act that may be affected by the operation.

**CONDITION R-5-2:** The permittee shall contact the ASMC and consult with the Alabama Historic Preservation Officer if the permit is modified or if previously unknown archaeological or historic resources are discovered on the permit area. Upon discovery of previously unknown artifacts or archaeological features the permittee shall cease operations until the Alabama Historic Preservation Officer approves resumption of operations.

**FINDING R-5-1:** The Regulatory Authority has taken into account the effect of the proposed permitting action on properties listed or eligible for listing on the National Register of Historic Places. A site survey performed by P.E. Lamoreaux & Associates dated August 21, 2008 found no sites potentially eligible for listing on the National Register of Historic Places located on this proposed mine site. One cemetery was located within the area studies but not within the permit area. The State Historic Preservation Officer concurred with these findings by letter dated February 11, 2009. A site survey was performed on areas covered by revision #5 by the University of Alabama Office of Archaeological Research dated February 2011. This survey found no sites eligible for listing. The State Historic Preservation Officer concurred by letter dated March 14, 2011. This finding is supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Regulatory Authority has determined that no additional protection measures are necessary. Concerns for unknown resources which might be discovered during mining, have been made conditions of the permit.

**FINDING R-5-2:** Information provided in the original permit application covered the areas added by this revision. The US Fish and Wildlife Service (FWS) provided comments dated August 7, 2008 on the proposed operation. The FWS identified several threatened or endangered species that might occur in the mine area and requested a site survey be performed. A survey was performed by Spaulding Environmental, Inc. and a report dated September 8, 2008 finding no evidence of these species was submitted to the FWS for review. The FWS granted ESA clearance on September 30, 2008. The FWS concurred in this revision on February 16, 2011. The US Army Corps of Engineers authorized the activities under this permit under Nationwide 21 permit number SAM-2009-00175-CTM dated March 13, 2009. The Corps further determined that no permit would be required for the low water crossing proposed over Blue Creek by e-mail January 20, 2009. The Corps was consulted on this revision and responded that a Department of the Army permit or modification would not be required for the areas added by this revision on February 15, 2011. The ADCNR provided comments dated July 29, 2008. Concerns and recommendations of the ADCNR have been addressed in the permit. The areas added by this revision were covered by the original permit and no further consultation with the ADCNR was deemed necessary. The ASMC finds that the proposed operation will not jeopardize the continued existence of endangered or threatened species or critical habitat thereof.



FINDING R-5-3: The proposed permit area is:

- a. Not within an area under study or administrative proceedings under a petition, filed pursuant to Chapter 880-X-7 to have an area designated as unsuitable for surface coal mining operations:
- b. Not within an area designated as unsuitable for mining pursuant to Chapter 880-X-7 or subject to the prohibitions or limitations of Section 880-X-7B-.06 and Section 880-X-7B-.07 of this chapter.


ACREAGE SUMMARY:

* Increment #1 remains at -----	124 acres
* Increment #2 increases to -----	119 acres
* Increment #3 increases to -----	119 acres
* Increment #4 increases to -----	124 acres
Increment #5 increases to -----	79 acres
* Increment #6 increases to -----	72 acres
Total -----	637 Acres

\* Bonded to date

All other terms and conditions remain in effect as well as all Findings in the original permit and any Findings appropriate for this revision.

EFFECTIVE DATE: July 12, 2011

  
Randall C. Johnson, Director

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CC: I & E, Permit File